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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/791,305	03/02/2004	Thomas Klein	ESKO-038US	3520

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DOV ROSENFELD
5507 COLLEGE AVE
SUITE 2
OAKLAND, CA 94618

EXAMINER	
EVANISKO, LESLIE J	

ART UNIT	PAPER NUMBER
2854	

DATE MAILED: 03/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/791,305	KLEIN ET AL.	
	Examiner	Art Unit	
	Leslie J. Evanisko	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 March 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,8-13 and 17-19* is/are rejected.

7)☒ Claim(s) *5-7 and 14-16* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 March 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6/10/04 & 12/10/04*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: reference numeral 823 in Figure 8 is not described in the specification. To correct this problem, it is suggested that the occurrences of "723" in paragraph [0056] be deleted and replaced with --823-- to provide the appropriate description of the reference numeral. Similarly, it is suggested that the occurrence of reference numerals "713" and "715" in paragraph [0056] also be deleted and replaced with --813-- and --815-- respectively since that is how the reference numerals are shown in Figure 8.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in

the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to because of the following informalities: In Figure 8, it is noted that in the lower half of the drawing there are several lead lines without any reference numeral attached. It appears that reference numeral --815-- should be attached to each of the lead lines, similar to that shown in the upper half of the drawing. Additionally, in Figure 9, one of the left-hand occurrences of reference numeral 921 has no lead line associated with it, making it difficult to tell what structure it is intended to be designating.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or

"New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

3. Claims 1-9 and 14 are objected to because of the following informalities:

With respect to claim 1, in line 1, it is suggested that the term "the" be deleted since no loading and unloading was previously recited in the claim. Additionally, it is suggested that the term "a rest" in line 12 be deleted and replaced with --the rest-- since the rest horizontal position was previously recited in line 6. Similarly, it is suggested that the term "a loading" in line 13 be deleted and replaced with --the loading-- again since the loading vertical position was previously recited in line 7. Finally, in line 14, it is suggested that the term "a height" be deleted and replaced with --the height-- since the height was previously recited in line 8.

With respect to claims 5 and 14, the term "the respective rest positions" in line 1 is unclear as to whether applicant is referring to the vertical rest position, the horizontal rest position, or both since both vertical and horizontal rest positions have been previously recited. Additionally in both claim 5 and claim 14, the term "the loading horizontal position" (in the last line of the claim

5 and second to last line of claim 14) has no proper antecedent basis since the loading horizontal position was only previously recited in claim 2 (or claim 11).

With respect to claim 6, the term "the particular compartment's respective imaged vertical position" has no proper antecedent basis since no imaged vertical position was ever previously recited. To correct this problem, it is suggested that this language be amended to the following or other similar language: --an imaged vertical position of the respective compartment--.

With respect to claim 7, it is suggested that the claim be amended to recite that each compartment is preloaded with a single pre-sensitized CTP flexographic plate because, as currently written, it is not clear whether each compartment has one plate or a plurality of plates loaded therein.

Appropriate correction and/or clarification is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, 8, 10, 13, 17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Otsuji (US 6,341,932). Otsuji teaches an apparatus for loading and unloading plates to and from an imager 3 comprising a magazine 5

containing a plurality of compartments 7 each for holding (at least) a single printing plate P, the compartments are arranged vertically (see Figure 3) and movable in a vertical direction (i.e., by lift mechanism 41--see Figure 3), each compartment having a respective rest vertical position at a rest horizontal position (position of any particular compartment in station 5), each respective compartment further having a loading vertical position (raised vertical position of selected compartment in loader 6 as described in column 6, lines 20-25) at which the respective compartment is at a height for loading onto the imager, a lifting mechanism 41 to lift and lower the compartments 7, and a control system (see column 7, line 25 through column 8, line 44) to control the lifting and lowering by the lifting mechanism, such that a particular compartment is moved from its rest vertical position at the rest horizontal position to the loading vertical position at which the particular compartment is at the height for loading onto the imager or unloading from the imager. See Figures 3 and 5 in particular.

With respect to claims 4 and 13, Otsuji teach the lifting mechanism 41 is operative to lift and lower the compartments of the magazine one compartment at a time, as shown in Figure 3 and 5 in particular.

With respect to claims 8 and 17, note Otsuji show the magazine 5 is a separate unit provided with wheels such that it is broadly capable of being transportable from a storage location to an imaging location adjacent the imager, as shown in Figure 3.

With respect to claim 10, note Otsuji teach the method of loading a plate to an imager as recited. Note the above comments with respect to claim 1.

With respect to claim 19, note Otsuji teach a computerized controller to control the lifting and lowering. Again, attention is invited to column 7, line 25 through column 8, line 44 in particular.

6. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Seto et al. (US 4,878,799). Seto et al. teach an apparatus for loading and unloading film sheets to and from an imager comprising a magazine (see Fig. 10) containing a plurality of compartments 12 each for holding (at least) a single film, the compartments arranged vertically and movable in a vertical direction, each compartment having a respective rest vertical position at a rest horizontal position (i.e., position before movement of compartment to loading position), each respective compartment further having a loading vertical position (i.e., aligned with film unloading mechanism 49) at which the respective compartment is at a height for loading onto the imager, a lifting mechanism 16 to lift and lower the compartments, and a control system (sensors 336, 328, motors, etc.) to control the lifting and lowering by the lifting mechanism, such that a particular compartment is moved from its rest vertical position at the rest horizontal position to the loading vertical position at which the particular compartment is at the height for loading onto the imager or unloading from the imager. See column 10, lines 20-column 11, line 14 and

Figures 10-13 in particular. Note that the apparatus of Seto et al. is capable of being used to load and unload flexographic plates and therefore meets the claim language as recited.

With respect to claim 2, note the apparatus of Seto et al. includes each compartment when at the loading vertical position, is moveable horizontally from and to the rest horizontal position to and from a loading horizontal position (shown, for example, in Figure 3) suitable for loading and unloading the film in the compartment onto and from the imager. See, in particular, column 10, lines 22-65 in particular.

With respect to claim 3, note Seto et al. teach the lifting mechanism is operative to lift and lower the entire magazine of compartments and the control mechanism controls the lifting and lowering of the magazine until a selected one of the compartments is at its loading vertical position. Again, see column 10, lines 22-58 in particular.

7. Claims 1, 3-4, 10, 12-13, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Rombult et al. (US 5,738,014). Rombult et al. teach an apparatus and method of loading a printing plate 26 to an imager 16 comprising pre-loading a printing plate into a particular compartment of a magazine 34, 36 containing a plurality of compartments 24 each for holding (at least) a single printing plate 26, the compartments arranged vertically and movable in a vertical direction, each compartment having a respective rest

vertical position at a rest horizontal position (original position of compartment 24 before movement), each respective compartment further having a loading vertical position (position after movement by elevator mechanism 40) at which the respective compartment is at a height for loading onto the imager or unloading from the imager, and lifting or lowering (with elevator mechanism 40) the particular compartment from its rest vertical position at its rest horizontal position to its loading vertical position such that the particular plate can be loaded onto the imager. Again, note the device and method of Rombult is broadly capable of loading flexographic plates and therefore, Rombult et al. meets the apparatus and method as recited.

With respect to claims 3-4 and 12-13, note Rombult et al. teach the lifting mechanism 40 is operative to lift and lower either the entire group of tables (see column 4, lines 64-67) or lifting the compartments individually (depending upon which compartments are supported by the table support mechanism) as described in column 4, lines 49-61 and column 5, lines 41-44).

With respect to claim 19, note the lifting and lowering of the compartments is carried out using a computerized control system as described in column 3, lines 44-46 and lines 63-64.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 2, 9, 11, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rombult et al. (US 5,738,014) in view of Seto et al. (US 4,878,799). Rombult et al. teach an apparatus and method as recited with the exception of each compartment being movable to a loading horizontal position at the loading vertical position as recited. Note Rombult et al. teach the compartments (after vertical positioning) are stationary while the picking mechanism is horizontally movable into contact with the plate in the vertically positioned compartment. However, Seto et al. teach an apparatus and method including a plurality of vertically and horizontally movable compartments such

that each compartment is first vertically moved to a loading vertical position and then horizontally moved to a loading horizontal position into contact with the picking mechanism to pick up the film sheet. See, for example, Figures 1 and 3 and the embodiment of Figures 10-13 as described in columns 10-11 in particular. In view of this teaching, it would have been obvious to one of ordinary skill in the art to provide the compartments of Rombult et al. to be horizontally movable to a loading horizontal position when at the vertical loading position to provide a more compact and simplified mechanism for loading the plates into the imaging device (i.e., one that does not require any additional and potentially complicated horizontal movement of the picking mechanism).

With respect to claims 9 and 18, note Rombult et al. specifically teach anywhere from 2 to 5 compartments and Seto et al. show at least 5 compartments. Although neither specifically teaches at least 10 compartments, it would have been obvious to one of ordinary skill in the art to provide as many compartments as necessary or desired to provide for any necessary or desired number of different sizes or types of plates, each different plate being housed in a separate compartment. Therefore, there is no unobviousness in providing at least 10 compartments in the apparatus and method of Rombult et al. as modified by Seto et al. to provide a larger selection of plates (of different sizes or types) to be imaged in the plate imager.

Allowable Subject Matter

11. Claims 5-7 and 14-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. The following is a statement of reasons for the indication of allowable subject matter:

With respect to claims 5 and 14 in particular, the prior art of record fails to teach or fairly suggest an apparatus or method as recited, in combination with and particularly including, the lifting mechanism being *operative to lift and lower the compartments one compartment at a time in combination with* the respective rest vertical position of each compartment being lower than the loading vertical position such that a particular compartment pre-loaded with a plate is lifted from its rest vertical position to the loading vertical position and then moved while at the loading vertical position to a loading horizontal position for loading onto the imager.

With respect to claim 6 and 15, the prior art of record fails to teach or fairly suggest an apparatus or method as recited, in combination with and particularly including, the lifting mechanism being further operative to lift or lower the particular compartments from the loading vertical position after the plate is imaged and unloaded from the imager to a particular compartment's respective imaged vertical position.

With respect to claim 7 and 16, the prior art of record fails to teach or fairly suggest an apparatus or method as recited, in combination with and particularly including, each compartment being pre-loaded with a pre-sensitized CTP flexographic plate such that, as a result of the pre-loading, the particular plate is in the compartment without a cover sheet.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Boutet (US 5,246,326) and Azzaroni (US 4,539,794) each teach a machine for loading and unloading imageable films having obvious similarities to the claimed subject matter.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Leslie J. Evanisko** whose telephone number is **(571) 272-2161**. The examiner can normally be reached on M-Th 7:30 am-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leslie J. Evanisko
Primary Examiner
Art Unit 2854

lje
March 21, 2005